

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

UNITED STATES OF AMERICA)
)
) Case No. 1:09-cr-111
v.)
)
)
) MATTICE / LEE
DEXTER TALLEY, JR.)

ORDER

Magistrate Judge Susan K. Lee filed a report and recommendation recommending the Court: (1) grant Defendant's motion to withdraw his not guilty plea to Count One of the two-count Indictment (2) accept Defendant's plea of guilty to Count One, that is of possession with intent to distribute 5 grams or more of a mixture and substance containing a detectable amount of cocaine base or crack, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B); (3) adjudicate Defendant guilty of the charge in Count One, that is of possession with intent to distribute 5 grams or more of a mixture and substance containing a detectable amount of cocaine base or crack, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B); and (4) find defendant shall remain in custody until sentencing in this matter. Neither party filed a timely objection to the report and recommendation [Doc. 19]. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation [Doc. 19] pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

- (1) Defendant's motion to withdraw his not guilty plea to Count One of the Indictment is **GRANTED**;

(2) Defendant's plea of guilty to Count One, that is of possession with intent to distribute 5 grams or more of a mixture and substance containing a detectable amount of cocaine base or crack, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B) is **ACCEPTED**;

(3) Defendant is hereby **ADJUDGED** guilty of Count One, that is of possession with intent to distribute 5 grams or more of a mixture and substance containing a detectable amount of cocaine base or crack, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B); and

(4) Defendant **SHALL REMAIN** in custody until sentencing in this matter which is scheduled to take place on **Monday, December 14, 2009 at 10:30 a.m.** before the Honorable Harry S. Mattice, Jr.

SO ORDERED.

ENTER:

/s/Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE